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FITZPATRICK, CELLA, HARPER & SCINTO

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FACSIMILE COVER SHEET

TO: Theresa - Official Filing Receipt
Patent and Trademark Office

FROM: Warren E. Olsen

RE: ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED
FUNGI
Pat. Appln. No.: 09/392,476
(1039.2500CIP)

FAX NO.: 703-308-7751

DATE: December 17, 1999

NO. OF PAGES: 10
(including cover page)

MESSAGE

Please find attached a copy of the October 29, 1999 Request for Corrected Filing Receipt.
Please call Karen at 202-721-5495 if you have any questions.
Thank you.

IF YOU DO NOT RECEIVE ALL THE PAGES
PLEASE CALL 202-530-1010 AS SOON AS POSSIBLE.

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

Assistant Commissioner for Patents
Washington, D.C. 20231

Date 10 / 29 / 99
Mo. Day Yr.

Atty. Docket 1039, 2500-10

Application No. 09/392,476

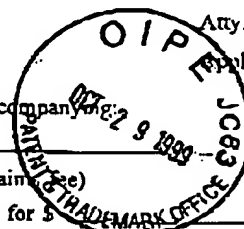
Sir:

Kindly acknowledge receipt of the accompanying

- ☐ Response to Official Action.
- ☐ Check for \$ (claim fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$
- ☒ ~~Notice of Appeal and Check for \$~~ Request for Corrected Filing Receipt.
- ☐ Information Disclosure Statement, PTO-1449 and documents
- ☐ Claim for priority and certified copies of priority applications
- ☐ Issue fee transmittal and Check for \$
- ☒ Other (specify) Copies of: Official Filing Receipt; Comb. Dec + POA;
by placing your receiving date stamp hereon and returning to deliverer. 37 CFR 1.53(b)

Atty. W. J. A.

Due Date N. D. D.
Mo. Day Yr.



FC-S-O-85

1039.2500 CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TIHERESA C. WHITE

SYLVIA McHUGH

CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

**For: ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI**

)
)
)
) Examiner: Not Yet Assigned
) Group Art Unit: 1633
)
)
)
)
) October 29, 1999
)
)

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

**REQUEST FOR
CORRECTED FILING RECEIPT**

Sir:

Applicant respectfully requests issuance of a corrected Official Filing Receipt in the above-referenced application. Please issue a new Official Filing Receipt to reflect the correct information, as follows:

Independent Claims: 4
SMALL ENTITY STATUS
THIS APPLN IS A CONTINUATION-IN-PART OF APPLN. NO.09/037,524

Serial Number: 09/392,476
Atty. Docket: 1039.2500CIP

The correct total of independent claims should have been ~~4~~, not "3". This application now claims small entity status. Applicant is separately filing a Request for Refund and Submission of Small Entity Declaration. Hence, the correct small entity filing fee is \$509.00.

Applicant respectfully requests issuance of a corrected Official Filing Receipt in the above-referenced application. The unsigned Combined Declaration and Power of Attorney for Patent Application, (as well as the transmittal cover sheet) filed on September 9, 1999 correctly stated that this application was a Continuation-In-Part of Appln. No. 09/037,524 (copy attached).

Hence, no fee for this statement is required. However, the Commissioner is hereby authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


Warren E. Olsen (Reg. No. 27,290)

Attachments: Official Filing Receipt; Combined Declaration and Power of Attorney;
37 CFR 1.53(b)
FITZPATRICK, CELLA, HARPER & SCINTO

PTO-103X
(Rev. 6-99)

FILING RECEIPT

999



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/392,476	09/09/99	1633	\$940.00	1039.2500-CI	10	30	3

005514

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) THERESA C. WHITE, OTTAWA, CANADA; SYLVIA MCHUGH,
GLOUCESTER, CANADA; CHRISTOPHER D. HINDLE, GLOUCESTER,
CANADA.

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 09/27/99

TITLE

ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED FUNGI

PRELIMINARY CLASS: 435

DATA ENTRY BY: HARRISON, BRUCE

TEAM: 06 DATE: 09/27/99

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

+

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

1039.2500 CIP

Total Pages

83

First Named Inventor or Application Identifier

Theresa C. White

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 202311. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)2. ☒ Specification + Abstract Total Pages **63**Claims Total Pages **3**3. ☒ Drawing(s) (35 USC 113) Total Sheet(s) **10**4. ☒ Oath and Declaration (Combined) Total Pages **3**a. ☐ Newly executed (original or copy)b. ☒ Unexecuted for information purposesc. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]i. ☐ **DELETION OF INVENTOR(S)**
Signed Statement attached deleting
inventor(s) named in the prior application, see
37 CFR 1.63(d)(2) and 1.33(b).5. ☐ Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a
copy of the oath or declaration is supplied under Box 4b, is
considered as being part of the disclosure of the
accompanying application and is hereby incorporated by
reference therein.6. ☐ Microfiche Computer Program (Appendix)7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

- a.
- ☐
- Computer Readable Copy
-
- b.
- ☐
- Paper Copy (identical to computer copy)
-
- c.
- ☐
- Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS8. ☐ Assignment Papers (cover sheet & document(s))9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney10. ☐ English Translation Document (if applicable)11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations12. ☐ Preliminary Amendment13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)14. ☐ Small Entity Statement(s) ☐ Statement filed in prior application
Status still proper and desired15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)16. ☐ Other: _____

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation☐ Divisional☒ Continuation-in-part (CIP) of prior application No. 09/037,524**18. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

05514

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

NAME

FITZPATRICK, CELLA, HARPER & SCINTO

Address

30 Rockefeller Plaza, 38th Floor

City

New York

State

New York

Zip Code

10112-3801

Country

U.S.A.

Telephone

212-218-2100

Fax

212-218-2200



CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	30-20 =	10	X \$ 18.00 =	\$ 180.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	4-3 =	1	X \$ 78.00 =	\$ 78.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			\$270.00 =	\$ -0-
				BASIC FEE (37 CFR 1.18(a))	\$ 760.00
	Total of above Calculations =				\$ 1018.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$
	TOTAL =				\$ 1018.00

19. Small entity status

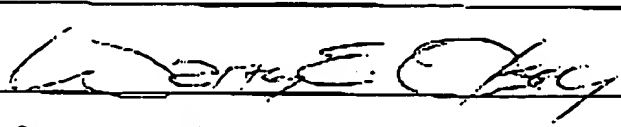
- a. ☐ A Small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☒ Is no longer claimed.

20. ☒ A check in the amount of \$ 1018.00 to cover the filing fee is enclosed.

21. ☐ A check in the amount of \$ _____ to cover the recordal fee is enclosed.

22. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	Warren E. Olsen, Reg. No. 27,290
SIGNATURE	
DATE	September 9, 1999

1039.2500CIP

Declaration/PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named joint inventors, WE each hereby declare that:

My residence, post office address and citizenship are as stated next to my name subscribed below;

I believe I am an original coinventor of the subject matter which is disclosed and claimed in the application for United States Letters Patent that was filed on my behalf unsigned on September 9, 1999, and being identified by the title, as follows:

ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED FUNGI

I hereby state that I have reviewed and understand the contents of the above-identified specification as filed, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

This is a continuation-in-part, and I hereby claim benefit under Title 35, United States Code, §120, of Application No. 09/037,524, filed March 10, 1998, which is pending.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Filed (Day/Mo./Yr.)	Priority Claimed
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None

POWER OF ATTORNEY

I hereby appoint: Joseph M. Fitzpatrick (Registration No. 17,398), Lawrence F. Scinto (Registration No. 18,973), William J. Brunel (Registration No. 20,452), Robert L. Baechtold (Registration No. 20,860), John A. O'Brien (Registration No. 24,367), John A. Krause (Registration No. 24,613), Henry J. Renk (Registration No. 25,499), Peter Saxon (Registration No. 24,947), Anthony M. Zupcic (Registration No. 27,276), Charles P.

1039.2500CIP

Declaration/PATENT

Baker (Registration No. 26,702), Stevan J. Bosses (Registration No. 22,291), Edward E. Vassallo (Registration No. 29,117), Ronald A. Clayton (Registration No. 26,718), Lawrence A. Stahl (Registration No. 30,110), Laura A. Baucr (Registration No. 29,767), Leonard P. Diana (Registration No. 29,296), Nicholas N. Kallas (Registration No. 31,530), William M. Wannisky (Registration No. 28,373), Lawrence S. Perry (Registration No. 31,865), Robert H. Fischer (Registration No. 30,051), Christopher Philip Wrist (Registration No. 32,078), Gary M. Jacobs (Registration No. 28,861), Michael K. O'Neill (Registration No. 32,622), Bruce C. Haas (Registration No. 32,734), Scott K. Reed (Registration No. 32,433), Scott D. Malpede (Registration No. 32,533), Fredrick M. Zullo (Registration No. 32,452), Richard P. Bauer (Registration No. 31,588), Warren E. Olsen (Registration No. 27,290), Abigail F. Cousins (Registration No. 29,292), Steven E. Warner (Registration No. 33,326), Thomas J. O'Connell (Registration No. 33,202), David L. Schaeffer (Registration No. 32,716), Jack S. Cubert (Registration No. 24,245), Mark A. Williamson (Registration No. 33,628), Jean K. Dudek (Registration No. 30,938), Raymond R. Mandra (Registration No. 34,382), Dominick A. Conde (Registration No. 33,856), Steven C. Bauman (Registration No. 33,832), Pasquale A. Razzano (Registration No. 25,512), John W. Behringer (Registration No. 23,086), John D. Carlin (Registration No. 37,292), Jack M. Arnold (Registration No. 17,739), Daniel S. Glueck (Registration No. 37,838), Brian L. Klock (Registration No. 36,570), T. Thomas Gellenthien (Registration No. 39,683), and Sean W. O'Brien (Registration No. 37,689) as our attorneys with full power of substitution, to prosecute this application and transact all business with the United States Patent and Trademark Office connected therewith.

Address all written correspondence to:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza, 38th Floor
New York, N.Y. 10112-3801
Telephone No. 212-218-2100

Address telephone inquiries to our Washington, D.C. office, as follows:

Docket No. : 1039.2500CIP
Warren E. Olsen (Reg. No. 27,290)
Telephone No. : 202-530-1010
Facsimile No. : 202-530-1055

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code application or any patent issued thereon.

1039.2500CIP

Declaration/PATENT

Inventor :

THERESA C. WHITE

Inventor's signature: _____

Date : September ____, 1999

Citizenship: United States of America

Post Office Address:

61 Kimberwick Crescent
Ottawa, Ontario, Canada K1V 0W6

Inventor :

SYLVIA McHUGH

Inventor's signature: _____

Date : September ____, 1999

Citizenship: Canada

Post Office Address:

3227 Carriage Hill Place
Gloucester, Ontario, Canada K1T 3X5

Inventor :

CHRISTOPHER D. HINDLE

Inventor's signature: _____

Date : September ____, 1999

Citizenship: Canada

Post Office Address:

4332 Owl Valley Drive
Gloucester, Ontario, Canada K1V 1L3